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10/056,888	01/25/2002	Marcille Faye Ruman	KCC-15,463.1	1770

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EXAMINER

ANDERSON, CATHARINE L

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

EC

<b>Office Action Summary</b>	Application No. 10/056,888	Applicant(s) RUMAN ET AL.	
	Examiner C. Lynne Anderson	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                      | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                             | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,3,4</u> . | 6) <input type="checkbox"/> Other:  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 14, 15, 24, 25, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the front and back side panel distal edges" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 14, 15, 24, and 25 recite the limitations "the side panels" and "the chassis" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Previously, the front and back side panels and the garment chassis were disclosed.

Claim 33 recites the limitation "the front panel" and "the back panel" in line 2. There is insufficient antecedent basis for this limitation in the claim. Previously, the front side panel and the back side panel were disclosed.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 13, 14, 16, 26-30, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Ashton et al. (6,443,940).

Ashton discloses a disposable pant garment 120, as shown in figure 1, comprising a garment chassis 41 having a front direction 26 and a rear direction 28, as shown in figure 3. A front side panel 46 and a back side panel 48 extend from the sides of the garment chassis 41, as shown in figure 3. The front and back side panels 46 and 48 have a waist end edge, a leg end edge, and a distal edge 240 extending therebetween. When the garment 120 is laid out flat, as shown in figure 3, each distal edge 240 defines a vector, the vector being part of a line that crosses the longitudinal axis 100 of the garment chassis 41 at congruent angles.

With respect to claim 2, the distal edges 240 define acute angles, as shown in figure 3.

With respect to claim 3, the distal edge 240 of the front side panel 46 defines a vector extending from the leg end edge towards the waist end edge and the rear side panel 48 defines a vector extending from the waist end edge towards the leg end edge, as shown in figure 3.

With respect to claim 4, the front and back side panels 46 and 48 are engagable at areas proximal their distal edges 240 to create side seams 66, the side seams 66 having a first terminus at the waist opening 36 and a second terminus at a leg opening

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34 of the garment 120, as shown in figure 1. The side seams 66 extend diagonally, as shown in figure 1.

With respect to claim 5, the front and back side panels 46 and 48 are releasably engagable, as disclosed in column 5, lines 1-28.

With respect to claim 13, the side seam 66 has a line of weakness 32 between the front and back side panels 46 and 48, as disclosed in column 5, lines 13-15.

With respect to claim 14, the front and rear side panels 46 and 48 are bonded to the garment chassis 41, as shown in figures 4 and 5.

With respect to claim 16, the front and rear side panels 46 and 48 define acute angles, as shown in figure 1.

With respect to 26, the front and back side panels 46 and 48 are constructed from at least two pieces of material bonded together, as shown in figure 6.

With respect to claim 27, the front and rear side panels 46 and 48 define acute angles, as shown in figure 1.

With respect to claim 28, the distal edge 240 of the front side panel 46 defines a vector extending from the leg end edge towards the waist end edge and the rear side panel 48 defines a vector extending from the waist end edge towards the leg end edge, as shown in figure 3.

With respect to claim 29, the front and back side panels 46 and 48 are engagable at areas proximal their distal edges 240 to create side seams 66, the side seams 66 having a first terminus at the waist opening 36 and a second terminus at a leg opening

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34 of the garment 120, as shown in figure 1. The side seams 66 extend diagonally, as shown in figure 1.

With respect to claim 30, the front and back side panels 46 and 48 are releasably engagable, as disclosed in column 5, lines 1-28.

With respect to claim 32, the back side panel 48 is constructed from at least two pieces of material bonded together, as shown in figure 6.

Claims 1-6, 15-17, and 26-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Toussie (2,545,216).

Toussie discloses a disposable pant garment, as shown in figure 2, comprising a garment chassis having a front direction and a back direction. Front side panels 9 and back side panels 10 extend from the garment chassis. The front and back side panels 9 and 10 have a waist end edge, a leg end edge, and a distal edge extending therebetween. When the garment is laid out flat, as shown in figure 2, each distal edge defines a vector, the vector being part of a line that crosses the longitudinal axis of the garment chassis at congruent angles.

With respect to claim 2, the front and back side panels 9 and 10 are acute angles, as shown in figure 2.

With respect to claim 3, the distal edge of the front side panel 9 defines a vector extending from the leg end edge towards the waist end edge and the rear side panel 10 defines a vector extending from the waist end edge towards the leg end edge, as shown in figure 2.

With respect to claim 4, the front and back side panels 9 and 10 are engagable at areas proximal their distal edges to create side seams, the side seams having a first terminus at the waist opening 12 and a second terminus at a leg opening 11 of the garment, as shown in figure 1. The side seams extend diagonally, as shown in figure 1.

With respect to claim 5, the front and back side panels 9 and 10 are releasably engagable, as disclosed in column 2, lines 9-20.

With respect to claim 6, the front and back side panels 9 and 10 have refasteneable fastening components 16, 17, 18, 19 disposed thereon, as shown in figure 2.

With respect to claim 15 the front and back side panels 9 and 10 are integral to the chassis, as shown in figure 2.

With respect to claim 16, the front and back side panels 9 and 10 define acute angles, as shown in figure 2.

With respect to claim 17, the front and back side panels 9 and 10 have refasteneable fastening components 16, 17, 18, 19 disposed thereon, as shown in figure 2.

With respect to claim 26, the front and back side panels 9 and 10 are constructed from at least two pieces of material, as shown in figures 3 and 4.

With respect to claim 27, the front and back side panels 9 and 10 are acute angles, as shown in figure 2.

With respect to claim 28, the distal edge of the front side panel 9 defines a vector extending from the leg end edge towards the waist end edge and the rear side panel 10

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defines a vector extending from the waist end edge towards the leg end edge, as shown in figure 2.

With respect to claim 29, the front and back side panels 9 and 10 are engagable at areas proximal their distal edges to create side seams, the side seams having a first terminus at the waist opening 12 and a second terminus at a leg opening 11 of the garment, as shown in figure 1. The side seams extend diagonally, as shown in figure 1.

With respect to claim 30, the front and back side panels 9 and 10 are releasably engagable, as disclosed in column 2, lines 9-20.

With respect to claim 31, the front and back side panels 9 and 10 have refasteneable fastening components 16, 17, 18, 19 disposed thereon, as shown in figure 2.

With respect to claim 32, the back side panel 10 is constructed from at least two pieces of material, as shown in figure 4.

With respect to claim 33, the front and back side panels 9 and 10 each consist of two members, a first member 12 distal from the garment chassis, and a second member 9 proximal the garment chassis, as shown in figure 2.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



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Claims 7-12, 18-23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toussie (2,545,216) as applied to claims 1 and 3 above, and further in view of Anderson (5,062,839).

Toussie discloses all aspects of the claimed invention with the exception of the fastening components including hook and loop fasteners.

Anderson discloses a disposable pant garment 10, as shown in figure 1, having front and back side panels 22, 24, 26, 28. The front and back side panels are releasably engagable by means of fastening components 18. The fastening components 18 comprise hook and loop fasteners that allow for easy removal of the garment, as described in column 4, lines 27-37.

It would therefore be obvious to one of ordinary skill in the art at the time of invention to construct the garment of Toussie with hook and loop fasteners, as taught by Anderson, to allow for the easy removal of the garment.

With respect to claims 9, 10, 20, and 21, Anderson remains silent as to which member of the hook and loop fasteners is located on which side panel. It would have been an obvious matter of design choice to place the loop fastener on the back side panel and the hook fastener on the front side panel, as the applicant has not shown that such a placement serves any particular purpose or solves any specific problem.

With respect to claims 11, 12, 22, and 23, Anderson discloses the fasteners 18 extending from a first surface of the garment on the back side panel, and a second surface of the garment on the front side panel, as shown in figure 1.

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With respect to claim 25, Toussie discloses the front and back side panels 9 and 10 are integral to the chassis, as shown in figure 2.

Claims 6-12 and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashton et al. (6,443,940) as applied to claims 1 and 3 above, and further in view of Anderson (5,062,839).

Ashton discloses all aspects of the claimed invention with the exception of the fastening components including hook and loop fasteners.

Anderson discloses a disposable pant garment 10, as shown in figure 1, having front and back side panels 22, 24, 26, 28. The front and back side panels are releasably engagable by means of fastening components 18. The fastening components 18 comprise hook and loop fasteners that allow for easy removal of the garment, as described in column 4, lines 27-37.

It would therefore be obvious to one of ordinary skill in the art at the time of invention to construct the garment of Ashton with hook and loop fasteners, as taught by Anderson, to allow for the easy removal of the garment.

With respect to claims 9, 10, 20, and 21, Anderson remains silent as to which member of the hook and loop fasteners is located on which side panel. It would have been an obvious matter of design choice to place the loop fastener on the back side panel and the hook fastener on the front side panel, as the applicant has not shown that such a placement serves any particular purpose or solves any specific problem.

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With respect to claims 11, 12, 22, and 23, Anderson discloses the fasteners 18 extending from a first surface of the garment on the back side panel, and a second surface of the garment on the front side panel, as shown in figure 1.

With respect to claim 24, Ashton discloses the front and rear side panels 46 and 48 are bonded to the garment chassis 41, as shown in figures 4 and 5.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents 2,545,674; 2,591,079; 2,664,895; 2,834,347; 3,039,466; and 3,559,648 pertain to garments having.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (703) 306-5716. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (703) 308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

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July 2, 2003



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